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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 ANTHONY ROSS WILLIAMS,

11 Petitioner,

12 vs.

13 D.W. NEVEN, *et al.*,

14 Respondents.
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Case No. 2:14-cv-01506-APG-NJK

ORDER

17 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254
18 by a Nevada state prisoner. Petitioner has paid the filing fee for this action. (Dkt. #1-1). The Court
19 has reviewed the habeas petition, and it shall be served on respondents. Respondents shall file a
20 response to the petition, as set forth at the conclusion of this order.

21 Petitioner has filed a motion for leave to proceed *in forma pauperis*. (Dkt. #2). Petitioner
22 has paid the filing fee for this action, thus the motion for leave to proceed *in forma pauperis* is
23 denied as moot.

24 Petitioner has filed a motion for the appointment of counsel. (Dkt. #3). Pursuant to 18
25 U.S.C. § 3006A(2)(B), the district court has discretion to appoint counsel when it determines that
26 the “interests of justice” require representation in a habeas corpus case. Petitioner has no
27 constitutional right to appointed counsel in a federal habeas corpus proceeding. *Pennsylvania v.*
28 *Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The

1 decision to appoint counsel is within the Court's discretion. *Chaney v. Lewis*, 801 F.2d 1191, 1196
2 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th
3 Cir.), *cert. denied*, 469 U.S. 838 (1984). The petition on file in this action is sufficiently clear in
4 presenting the issues that petitioner wishes to bring. The issues in this case are not complex.
5 Counsel is not justified in this instance and thus the motion is denied.

6 **IT IS THEREFORE ORDERED** that petitioner's motion for leave to proceed *in forma*
7 *pauperis* (dkt. #2) is **DENIED AS MOOT**.

8 **IT IS FURTHER ORDERED** that petitioner's motion for the appointment of counsel (dkt.
9 #3) is **DENIED**.

10 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ELECTRONICALLY**
11 **SERVE** the petition (dkt. #1) upon the respondents.

12 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry
13 of this order within which to answer, or otherwise respond to, the petition. In their answer or other
14 response, respondents shall address all claims presented in the petition. Respondents shall raise all
15 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
16 procedural default. **Successive motions to dismiss will not be entertained**. If an answer is filed,
17 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in
18 the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
19 **forty-five (45) days** from the date of service of the answer to file a reply.

20 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall
21 be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy
22 of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno**
23 Division of the Clerk of Court.

24 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
25 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
26 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
27 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
28 General. The Court may disregard any paper that does not include a certificate of service. After

1 respondents appear in this action, petitioner shall make such service upon the particular Deputy
2 Attorney General assigned to the case.

3 Dated this 29th day of April, 2015.
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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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